

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LISANDRA MARTE,

Plaintiff,

v.

WILMINGTON SAVINGS FUND
SOCIETY RESIDENTIAL CREDIT
OPPORTUNITIES TRUST and JOHN DOE,

Defendants.

ORDER

24-CV-2574 (HG) (LB)

HECTOR GONZALEZ, United States District Judge:

Plaintiff Lisandra Marte filed this *pro se* complaint on April 5, 2024, in connection with a foreclosure on a property Plaintiff owned in Queens County. ECF No. 1 (Complaint). In an Order to Show Cause entered June 6, 2024, the Court found that the *Rooker-Feldman* Doctrine and *res judicata* precluded Plaintiff's claims related to the foreclosure proceeding. EC No. 5 at 6–8 (Order to Show Cause). The Court also found that the complaint failed to state a claim under the Truth in Lending Act, the Real Estate Settlement Procedures Act, or any other federal law. *Id.* at 8–11. Having provided Plaintiff notice of the reasons it intended to dismiss her claims, the Court gave Plaintiff an opportunity to argue why her case should not be dismissed. *Id.* at 11–12. The Court warned that if Plaintiff did not file a response by June 27, 2024, the case would be dismissed without “further notice or opportunity to be heard.” *Id.* at 12. Plaintiff's time to respond has expired, and she has not filed any response to the Court's Order to Show Cause. Accordingly, the complaint is dismissed without prejudice for lack of subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3) for the reasons explained in the Order to Show Cause. *See generally, id.*

Although Plaintiff paid the filing fee to initiate this action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and, therefore, denies Plaintiff *in forma pauperis* status for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to enter judgment, to mail a copy of this Order and the Judgment to Plaintiff, and to note the mailing on the docket.

SO ORDERED.

/s/ Hector Gonzalez.
HECTOR GONZALEZ
United States District Judge

Dated: Brooklyn, New York
July 10, 2024